

REMARKS

Status of the Application

Claims 1-3 and 6-25 are pending in the application. Claims 12-25 are withdrawn from consideration pursuant to the restriction requirement dated March 17, 2009. Claims 1-3 and 6-11 have been examined.

With this Amendment, Applicant amends claims 1 and 3. Applicant respectfully submits that the amended claims are fully supported by the disclosure. No new matter has been added.

Claim 2 has been canceled without prejudice or disclaimer. After entry of this Amendment, claims 1, 3, and 6-25 will be pending in the application.

Information Disclosure Statement

The Examiner alleges that the Information Disclosure Statement filed on April 28, 2008 fails to comply with 37 C.F.R. § 1.98(a)(3) because it does not include a concise explanation of relevance.

Applicant respectfully submits that a concise statement of relevance is required only where an English-language translation of a foreign language reference is not available. See MPEP § 609.04(a)(III). In the IDS, Applicant provided International Publication Document WO 99/44195 which is an English-language publication corresponding to the Chinese language reference, CN 1299507A, cited in the Chinese Office Action. Since the English-language publication corresponding to the Chinese language reference was provided, a concise statement of relevance is not required. Further, the Chinese Office Action was provided only to show the

citation to the submitted reference. Therefore, a concise statement of relevance for the Chinese Office Action is not required.

Accordingly, Applicant respectfully submits that the Information Disclosure Statement filed on April 28, 2008 complies with 37 C.F.R. § 1.98(a)(3) and therefore the references cited therein must be considered.

Claim Rejections

Claims 1-3 and 9-11 --- 35 U.S.C. § 103(a)

Claims 1-3 and 9-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,310,844 to Keshner *et al.* ("Keshner") in view of U.S. Patent No. 7,132,200 to Ueda *et al.* ("Ueda"). Claim 2 has been canceled. Applicant traverses the rejection of claims 1, 3, and 9-11.

Addressing claim 1, the combination of Keshner and Ueda does not disclose or suggest at least a hologram record carrier "wherein the optical interference pattern is produced by a first light beam so that a hologram is recorded, and the two-dimensional recording layer senses a second light beam so that a mark is recorded according to change of the physical property, and wherein the recorded mark of the two-dimensional recording layer includes information for a servo control which causes the second light beam to track movement of the hologram record carrier by focusing the second light beam on the two-dimensional recording layer to detect returning light of the second light beam," as recited in claim.

Keshner discloses that a writing laser may physically change the transparency or reflectivity of small areas of an erasable data layer so that a reading laser system senses a change

in intensity of a laser passing through the erasable data layer, reflecting off of a partially reflective coating, and passing back through the erasable data layer (column 4, line 31-column 5, line 15). Keshner, however, does not disclose or suggest that "the two-dimensional recording layer senses a second light beam so that a mark is recorded according to change of the physical property, and wherein the recorded mark of the two-dimensional recording layer includes information for a servo control which causes the second light beam to track movement of the hologram record carrier by focusing the second light beam on the two-dimensional recording layer to detect returning light of the second light beam," as required by claim 1. Ueda does not cure the deficiencies of Keshner.

Ueda, as cited by the Examiner, discloses a hologram recording sheet having hologram sensitive materials which are sensitive to light of different wavelengths laminated on each other with a space or layer located between them (FIGS. 12-13; column 9, line 39-column 10, line 41). However, Ueda is silent regarding the above-noted claimed features.

Accordingly, since the combination of Keshner and Ueda fails to disclose or suggest all of the claimed features, claim 1 is patentable over the combined references. Claims 3, and 9-11 are patentable at least by virtue of their dependence from claim 1.

Claim 6-8 --- 35 U.S.C. § 103(a)

Claim 6-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Keshner in view of Ueda, and further in view of U.S. Patent No. 5,777,760 to Hays *et al.* ("Hays"). Applicant traverses this rejection.

The combination of Keshner, Ueda, and Hays does not disclose or suggest at least the above-noted features of claim 1 incorporated into claims 6-8 by virtue of their dependence. As established above, the combination of Keshner and Ueda does not disclose or suggest at least these features. Hays does not cure the deficiencies of the Keshner-Ueda combination.

The Examiner relies on Hays to allegedly disclose servo blocks included in a hologram record carrier. Hays discloses a hologram record carrier that includes servo blocks (relational marks) in which five spots are located around the outer periphery of a data area (column 4, line 65-column 5, line 15). Hays, however, is silent regarding wherein "the two-dimensional recording layer senses a second light beam so that a mark is recorded according to change of the physical property, and wherein the recorded mark of the two-dimensional recording layer includes information for a servo control which causes the second light beam to track movement of the hologram record carrier by focusing the second light beam on the two-dimensional recording layer to detect returning light of the second light beam," as incorporated into claims 6-8.

Accordingly, since the combined references fail to disclose or suggest all of the claimed features, claims 6-8 are patentable over the combination of Keshner, Ueda, and Hays.

Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/594,945

Attorney Docket No.: Q97149

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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